

AN ORDINANCE

AN ORDINANCE TO REPEAL AND RECREATE SECTION 9.32.040 ENTITLED “POSSESSION OF FIREARMS-PUBLIC BUILDINGS, BUSINESS ESTABLISHMENTS AND PUBLIC AREAS” OF THE CODE OF ORDINANCES OF THE CITY OF EAU CLAIRE

WHEREAS, the City Council desires to lawfully regulate the acknowledged right of its citizens to keep and bear arms, and

WHEREAS, the City Council asserts its responsibility to act on matters of local concern, specifically to exercise management and control over city-owned public property, and

WHEREAS, that in order to protect the health, safety and welfare of the citizens of the City of Eau Claire the City Council determines it is necessary to adopt the following ordinance;

THEREFORE, THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DO ORDAIN AS FOLLOWS:

SECTION 1. That s.9.32.040, entitled “Possession of Firearms-Public Buildings, Business Establishments and Public Areas”, is hereby repealed and recreated to read as follows:

9.32.040 Firearms restricted in certain buildings. **A.** Definitions. The following definitions shall apply in the interpretation and the enforcement of this chapter:

1. “Firearm” means a weapon that acts by force of gunpowder.
2. “Law enforcement” means any person employed by the State of Wisconsin or any political subdivision of this state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.
3. “Weapon” means a handgun, an electronic weapon as defined at Wis. Stats. §941.295, a knife other than a switchblade under Wis. Stats. §941.24, or a billy club.
4. “Controlled-access facility” means a facility or area that has designated entrances for ingress and egress controlled by a door, gate, attendant or other means to limit entry while the facility is open and can be locked or secured when closed, or in the instance of temporary events of less than three weeks, designated entrances may be either secured when closed or the controlled-access facility removed at the termination of the temporary event.

B. In addition to the provisions of Wisconsin Statutes enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer or other City officer or official designated by the Eau Claire Chief of Police to enter the following City of Eau Claire municipal buildings, facilities or locations while carrying a weapon or a firearm:

1. City Hall;
2. L.E. Phillips Memorial Public Library;
3. Fire Stations;
4. Police Station;
5. Fairfax Park Pool;
6. Carson Park football, softball, and baseball stadiums and facilities;
7. Chippewa Valley Museum and related buildings within Carson Park;

8. Paul Bunyan Museum and related buildings within Carson Park;
9. Streets Maintenance, Transit, and Recreation and related buildings along Forest Street;
10. City wells, pump houses, and all related buildings;
11. Hobbs Ice Center and all-season enclosed shelters at neighborhood parks;
12. Transit transfer station;
13. Park Tower and Owen Rust Memorial Apartments, and such other buildings or facilities as designated by the Housing Authority;
14. Wastewater treatment plant, lift stations, and related buildings; and
15. Any and all other municipal buildings or controlled-access facilities owned or operated by the City of Eau Claire, whether now in existence or later constructed or leased excepting Phoenix Park trailhead, restrooms, and Farmer's Market pavilion, Owen Band Shell, park pavilions in Carson Park and other similar open-sided structures in various locations.

C. It shall be unlawful for any person other than a law enforcement officer to enter any building, facility, or location open to the public that is posted as a no firearms or concealed weapons location while possessing, carrying, or concealing a firearm or weapon, whether with or without a state permit.

D. Signs meeting the requirements of Wis. Stats. § 943.13(2)(bm)1 shall be posted in prominent places near public entrances of all buildings, structures or locations that restrict or prohibit firearms or concealed weapons.

E. 1. Signs of at least 5 inches by 7 inches in size shall be posted in prominent places near public entrances to all licensed premises selling alcohol for on-premise consumption to advise patrons that:

a. Firearms are prohibited on such premises except with a valid concealed weapons permit pursuant to Wis. Stats. § 941.237(2);

b. Those with such a permit cannot be served alcohol if carrying a concealed weapon pursuant to Wis. Stats. § 941.237(3)(cx).

2. Licensees that prohibit all firearms and concealed weapons on the premise and post signs complying with sub D. above shall be exempt from this requirement.

3. The City Clerk shall have signs meeting these requirements produced and available for licensees by November 1, 2011, and for new licensees thereafter. Licensees shall post such signs or signs substantially similar of comparable size, font, and content.

F. Any person violating any of the provisions of this Section shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, plus court and other costs, for each separate violation, and shall further be subject to penalty for trespass under § 943.13 Wis. Stats.

SECTION 2: The City Manager is authorized and directed to make such changes to the City of Eau Claire Employee Handbook to prohibit employee use or possession of a firearm or weapon while on duty, except law enforcement officers and those authorized by the Chief of Police, while making such necessary exceptions and amendments to comply with 2011 Act 35, Wisconsin Statutes § 175.60(15m), and such other and future laws or binding judicial precedent.

SECTION 3: The City Manager is authorized and directed to modify the special event application to ask event organizers that will either charge an admission or will serve alcohol at a

special event whether they will post the event as firearm and concealed weapons prohibited, or if not, what steps the organizer will take to ensure the health, safety, and welfare of those attending the special event pursuant to City Code § 9.59.030.

SECTION 4: *This ordinance shall be effective on November 1, 2011.*

(SEAL) _____
President

(SEAL) _____
City Manager

(ATTESTED) _____
City Clerk

First Reading _____

Final Reading _____

Adopted _____

Published _____

NOTE: Additions are indicated by double underscore; deletions by ~~striketrough~~. Newly created or repealed and recreated sections appear without any markings.